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DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

BRUCE E. BABBITT
ATTORNEY GENERAL

February 8, 1977

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ARIZONA ATTORNEY GENERAL

Mr. Roberto C. Montiel
Chief Deputy
Santa Cruz County Attorney
Post Office Drawer 939
Nogales, Arizona 85621

Re: 77-26 (R76-68)

Dear Mr. Montiel:

This office has reviewed your letter of February 2, 1976, to Mr. Donald Covington of Patagonia Elementary School, concerning the validity of a certificate of educational convenience once adequate transportation is provided by the district of residence.

We concur in the result of your opinion. When the superintendent becomes aware of the availability of transportation, he should notify all appropriate persons that the certificate is revoked.

Sincerely,

A handwritten signature in cursive script, reading "Bruce E. Babbitt".

BRUCE E. BABBITT
Attorney General

BEB:DEP:lc



February 2, 1976

Requested by Donald L. Covington, Principal
Patagonia Elementary School
Patagonia, Arizona 85624

Question:

If a Certificate of Educational Convenience is issued for one year pursuant to A.R.S. 15-304 because the district of residence does not provide adequate transportation facilities, does that certificate then become null and void once the district of residence begins providing said transportation facilities:

Answer: Yes, qualified

Rationale:

A.R.S. 15-304 provides, in pertinent part, that a pupil precluded by distance or lack of adequate transportation facilities . . . may apply to the county school superintendent for a certificate of educational convenience.

The basis upon which a certificate of educational convenience may be issued is either a distance factor or a lack of adequate transportation. If a county school superintendent issues a certificate based upon inadequate transportation facilities and subsequently the facilities are improved to the satisfaction of the superintendent, then the certificate has no legal basis, and is, therefore, void.

Your question must, therefore, be answered in the affirmative with the qualifications previously stated.

Very truly yours,



Roberto C. Montiel, Chief Deputy
Santa Cruz County Attorney

RCM:jj